

**OPENING STATEMENT OF
SENATOR GEORGE V. VOINOVICH
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA**

MARCH 5, 2007

TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT PRACTICES

I would like to begin by thanking my good friend and partner on human capital issues, Chairman Dan Akaka, for holding this hearing. Dan, you and I have worked together for many years to help ensure the federal government has the ability to put the right people in the right place at the right time in order to accomplish the mission at hand.

During this Committee's markup to consider the 9/11 bill, an amendment was adopted that would eliminate the Transportation Security Administration's (TSA) authority to develop and manage an independent personnel system.

At the time the measure was debated, Committee members expressed their desire to learn more about the challenges facing TSA before making a final determination on the policy matter before them. I hope that today's hearing will help provide us with an answer.

Mr. Chairman, like many of my colleagues, I have the opportunity to meet and talk with TSA screeners almost twice a week. These screeners are hard-working, dedicated Americans with the immense responsibility of keeping air travelers safe. They are to be commended for their work. I would like to extend a special welcome to the TSA screeners who work at Cleveland Hopkins International Airport, Joseph Gattarello and Karen Budnik, who are in attendance today.

The September 11, 2001, attacks revealed numerous shortcomings in our nation's capacity to detect potential terrorist threats and respond effectively. In response, Congress enacted a number of reforms designed to address current and future national security threats, including the creation of TSA.

Since its creation, TSA has been subject to several reorganizations, both Congressional and executive. TSA was originally housed in the Department of Transportation and was tasked with hiring 55,000 screeners within one year. This problem was complicated by the fact that the traditional employment pool from which TSA had to hire – those previously conducting airport screening - had attrition rates of 125-400 percent.

In 2003, TSA was transferred to the Department of Homeland Security. Along the way, TSA has faced many hurdles in its attempt to transform itself into a high-performing, robust organization. Personnel challenges are at the top of this list – whether they be attrition of part-time workers, on-the-job injuries, or the need to appropriately reward employees. Many are concerned that creating another new personnel system at this point would further hinder TSA's progress, admittedly less than desired in some cases, in overcoming the challenges it faced when it opened its doors.

Last August, information about one of the most serious threats to our homeland was shared with TSA. Just hours prior to the public announcement, TSA made and finalized the most fundamental change in airport security since 9/11. That change was finished by senior officials at 2:21 a.m. on August 10. The new security measures prohibited bringing any liquids, gels or aerosols onto an airplane.

At 4 a.m., when Transportation Security Officers arrived for the first shifts on the East coast, they were briefed and trained on the new security procedures, which they then implemented immediately upon opening the first security checkpoints. It was the most significant change in airport security since 9/11; and it all happened in less than six hours from the time of the arrests of the alleged terrorists in the UK.

Hypothetically speaking, if TSA were subject to collective bargaining as proposed by S.4, it would have been able to make an emergency declaration and take whatever action necessary to carry out its mission. I think we can all agree that the thwarted terrorist plot against U.S. air carriers was indeed an emergency.

Under other circumstances, however, whether and when the statutory definition of an emergency situation would be applicable to TSA is unclear. Even a minor snowstorm can wreak havoc on our air transportation system, requiring TSA to work in concert with the airlines to accommodate the resulting spikes in passenger volume. Under current law, TSA has the flexibility to reassign personnel in a real-time basis in response to any situation. Under S. 4, TSA would have to declare the minor snowstorm an emergency in order to immediately reassign its personnel.

One of the things that I learned first-hand as Mayor and then Governor is that there is always room for improvement in human capital management. Accordingly, I understand the reason for the proposal in the underlying bill.

It may well make sense for Congress to enact legislation providing TSA employees the right to appeal adverse actions before the Merit Systems Protection Board and to seek protection for whistleblower claims with the Office of Special Counsel.

However, it is important to note that the existing agreement for the review of whistleblower claims is an example of how TSA has responded to the needs of its employees. The statutory ability to appeal to the MSPB and OSC could be an important safeguard for screeners and help ensure due process.

The proposal in S. 4 is well intended; however, I am concerned that Congress has not fully considered its impact and the need to balance the changes that would be required against the potential disruption to our air transportation system. I am committed to working with my colleagues to continue to improve TSA.

Although much work remains to be done, the progress made to date on certain issues, such as the reduction in worksite injuries, is encouraging. More importantly, I think it reflects a sincere desire on the agency's part to taking the steps necessary to create a good working environment for its employees.

I hope that we can find a workable solution that strikes the right balance between promoting a flexible system and protecting the rights of individuals who choose to serve as screeners. I look forward to learning from our witnesses how this can best be accomplished.

Thank you.